RUBIN DECLARATION EXHIBITS CONTINUED

Rubin Exhibit 60

From:	Lauren Kozak.	Sent:2/13/2008 5:02 PM.
To: [-]	Lauren Kahner.	
Cc: [-]	Larry Weintraub; Liza Patriana.	
Bcc: [-]	.	
Subject:	YouTube Account/MTV.	

Hi Lauren,

Viacom is cease-and-desisting the content from MTV off YouTube and has caused our account to be disabled, making all of the MTV videos we have on that account inaccessible. I have filed a counter notice with YouTube but anything you can do to inform them on their end would be most appreciated. I thought they said if we sent them the YouTube links regularly that we'd be ok?

Thank you,

Lauren

YouTube | Broadcast Yourself™

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification by Viacom International Inc. claiming that this material is infringing:

Rob & Big S3E4 -- Cereal Queens: http://www.youtube.com/watch?v=bl49uILa674

Please Note: Repeat incidents of copyright infringement will result in the deletion of your account and all videos uploaded to that account. In order to prevent this from happening, please delete any videos to which you do not own the rights, and refrain from uploading additional videos that infringe on the copyrights of others. For more information about YouTube's copyright policy, please read the Copyright Tips guide.

If you elect to send us a counter notice, please go to our Help Center to access the instructions.

Be aware that there may be adverse legal consequences in your country if you make a false or bad faith allegation of copyright infringement by using this process.

Sincerely,

YouTube, Inc.

Lauren Kozak

Director, Grassroots Marketing

---

lkozak@fanscape.com | t: 323.785.7780 | f: 323.785.7101

3201 W. Cahuenga Blvd. | Los Angeles, CA 90068

www.fanscape.biz | www.fanscape.com

Rubin Exhibit 61

From:	Strube, Amy MTV.	Sent:2/13/2008 5:43 PM.
To: [-]	Lauren Kahner; Burrell, Damon.	
Cc: [-]	Larry Weintraub.	
Bcc: [-]	.	
Subject:	RE: YouTube - Viacom Cease and Desist.	

Lauren -

I deeply apologize for this happening. We have the steps in place to alert our legal team when a 3rd party is posting our behalf,
so things like this dont happen. I have just spoken with Warren Solow, Vp of Litigation Support for Viacom, and he promises to act on this immediately. He has requested a copy of the takedown notice and your username, so he can track where the notice stemmed from, and to get this turned around asap. I told him that this has affected your general Fanscape channel - and therefore other clients/business and he understands the urgency.

Amy

_____

From: Lauren Kahner [mailto:laurenk@fanscape.com]
Sent: Wednesday, February 13, 2008 12:14 PM
To: Strube, Amy MTV; Burrell, Damon
Cc: Larry Weintraub
Subject: YouTube - Viacom Cease and Desist
Importance: High

Hi Amy--

I hope you are doing well!

I actually just gave you a call because we received a cease and desist from Viacom for the contest we have been uploading on our YouTube account. The email below was sent to Cindy and Warren to ensure that this content would be cleared and allowed to be posted using the profile listed below.

As a result, this account has been suspended. Is there anyway we can rectify this?

Please let me know as soon as possible.

Thank you, Lauren

_____

From: Lauren Kahner
Sent: Thursday, January 24, 2008 8:58 PM
To: Strube, Amy MTV
Cc: 'cindy.morales@mtvstaff.com'; 'warren.solow@viacom.com'
Subject: YouTube post - Making the Band

Hey Amy!

Just wanted to forward you the link to the video we uploaded to YouTube for Making the Band:

http://www.youtube.com/watch?v=MZxT_j5Capg

Also, for your reference, all of the videos that Fansacpe uploads to YouTube on behalf of MTV live here:

http://www.youtube.com/profile?user=fanscapevideos

Please let me know if you have any questions.

Thanks! Lauren

Lauren Kahner

Director, Marketing

laurenk@fanscape.com

p: 323.785.4204

f: 323.785.7101

3201 W. Cahuenga Blvd.

Los Angeles, CA 90068

www.Fanscape.biz

www.Fanscape.com

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Rubin Exhibit 62

From: Solow, Warren [Warren.Solow@viacom.com]
Sent: Thursday, February 14, 2008 10:26 PM
To: Andrea Cordone; copyright@youtube.com
Cc: Evelyn Espinosa; Arian Hormozi; Sarah Cruz; Housley, Michael
Subject: RE: Retraction of Notice of Infringement

Can you reach out to youtube to accelerate the reinstatement of this account, our marketing vendor is freaking out as this is down for two days now

---

From: Andrea Cordone [mailto:andreac@baytsp.com]
Sent: Wednesday, February 13, 2008 5:48 PM
To: copyright@youtube.com
Cc: Evelyn Espinosa; Arian Hormozi; Sarah Cruz
Subject: Retraction of Notice of Infringement

Dear Sir or Madam,

We recently became aware that takedown notices were sent in error and hereby withdraw the takedown of these URLs:

http://www.youtube.com/watch?v=bl49ulLa674
http://www.youtube.com/watch?v=HbE6f4-G82M
http://www.youtube.com/watch?v=yY3QOF13lBc
http://www.youtube.com/watch?v=bD1GJRiQIrw

We take the integrity of our data seriously, and have procedures designed to provide reasonable assurance that our takedown notices are accurate. However, no procedure is 100% accurate. We apologize for any inconvenience this may have caused and appreciate the cooperation of your organization. If there is an issue of a similar problem in the future, or you would like to provide feedback, please contact us at the following address:

BayTSP, Inc. (copyright-compliance@baytsp.com)
ISP-Compliance Feedback
PO Box 1314
Los Gatos, California USA 95031
Fax: 1.408.341.2399
Email: VIACOM@baytsp.com
Email: copyright-compliance@baytsp.com.

Best regards,

Compliance Team :: BayTSP Inc.
PO Box 1314 Los Gatos, CA 95031
www.baytsp.com
408-341-2300 - Main
408-341-2399 - Fax

NOTE: The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

Rubin Exhibit 63

John Eddow

From: Christy Wise
Sent: Monday, August 18, 2008 1:46 PM
To: Kevin Donahue (kevin@youtube.com)
Subject: Fanscape YouTube Channel

Hey Kevin,

It's been a while since we've spoken! Thanks for accepting the LinkedIn invite – I wanted to make sure we stay in touch. As luck would have it – a YouTube issue arose today that I would love your help with if you can point me in the right direction...

For some reason our Fanscape YouTube Channel/Account was permanently disabled today. We work with MTV (Viacom) on several of their shows and upload A LOT of their content (clips from shows, promo clips, trailers, teasers, etc.). We've had this problem before with some of our videos getting flagged by Viacom not realizing we are an MTV agency– however this time, MTV legal claims that they have no record of requesting that our videos or channel be removed. Is there someone I can speak with there to get to the bottom of this? Everything on our channel has been legally provided for us by our clients, so I want to find out if there is another issue that I am unaware of. Do I need to just email the customer service contact listed on YouTube.com or is there something else I should be doing?

Let me know.

Thanks in advance for your help!

-Christy

YouTube Channel Info
User Name: fanscapevideos
www.youtube.com/fanscapevideos
Message: Your Account Has Been Permanently Disabled/This Account is Suspended

---

Christy Wise
Sr. Director, Partnership Marketing
Fanscape, Inc. - http://fanscape.com/
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Los Angeles, CA 90048
T: 323.785.7789
F: 323.785.7101
Christyw@fanscape.com
IM: og glitter

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Rubin Exhibit 64

John Eddow

From: John Eddow
Sent: Tuesday, September 09, 2008 5:27 PM
To: copyright@youtube.com
Cc: Christy Wise; Allie Wester
Subject: YouTube DMCA Counter-Notification
Attachments: YouTube Counter Notification 9.09.08.pdf

To Whom It May Concern:

Please see the attached file and process immediately. This is the second time in as many months that our channels have been disabled.

I do understand that YouTube is not to blame for these disruptions and instead it more systemic of what occurs in big companies like our clients where one department isn't aware of what another department is doing, but anything YouTube can do or advise so we can limit these from occuring in the future would be greatly appreciated.

Regards,

John Eddow

John Eddow | Fanscape
Controller
NEW ADDRESS as of APRIL 28, 2008
360 N. La Cienega Blvd.
Third Floor
Los Angeles, CA 90048
t: 323.785.7757 f: 323.785.7101
www.fanscape.com

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Rubin Exhibit 65

From: Christy Wise. Sent:9/10/2008 1:13 AM.
To: [-] Urbont, Ariana.
Cc: [-] .
Bcc: [-] .
Subject: RE: Fanscape YouTube Violations -- Viacom.

ok

- -

Christy Wise

Sr. Director, Partnership Marketing

Fanscape, Inc. - http://fanscape.com/

New Address

360 N. La Cienega Blvd., 3rd FL

Los Angeles, CA 90048

T: 323.785.7789

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Christyw@fanscape.com

IM: og glitter

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_____

From: Urbont, Ariana [mailto:Ariana.Urbont@mtvstaff.com]
Sent: Tuesday, September 09, 2008 5:13 PM
To: Christy Wise
Subject: RE: Fanscape YouTube Violations -- Viacom

call u in 10- sorry

_____

From: Christy Wise [mailto:christyw@fanscape.com]

Sent: Tuesday, September 09, 2008 2:51 PM
To: Urbont, Ariana; Pittman, Q
Cc: Allie Wester
Subject: FW: Fanscape YouTube Violations -- Viacom

Ariana & Q -

I know you've received quite a few emails from us recently regarding our YouTube channel – but I wanted to combine everything into one email so avoid confusion.

All three of our Fanscape YouTube Channels have been disabled. We have copyright infringements from Viacom or MTV related companies (i.e. record labels) that we need to take care of as soon as possible. If we can't keep a YouTube channel live then it makes it very difficult to blast out the MTV videos provided by you to promote new/existing shows. We of course are currently working around the problem and using alternative UGC sites – but as I'm sure you are aware, they simply aren't as popular as YouTube.

Can you please make sure that your legal department white-lists the following YouTube channels ASAP and retracts any copyright infringement violations from each?

-Fanscapevideos

-Fanscapevideos4u

-FanscapeMTV

If there is someone you'd prefer us to talk to directly on the legal team – we are happy to do so – just let us know what we can do to help.

Thank you!

-Christy

- -

Christy Wise

Sr. Director, Partnership Marketing

Fanscape, Inc. - http://fanscape.com/

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_____

From: Allie Wester
Sent: Tuesday, September 09, 2008 12:24 PM
To: Pittman, Q
Cc: Christy Wise
Subject: Fanscape YouTube Violations -- Viacom

Hi Q,

I just heard back from YouTube – two of our ABDC videos were yanked by Viacom. Could you please forward the videos below over to MTV legal and have them retract the copyright claims? These ABDC videos were on our “fanscapevideos” channel, so they shouldn’t have been deleted.

Thank you for all your help with this!
-Allie

Jabba & Super Cr3w - America's Best Dance Crew - Aug 30th http://www.youtube.com/watch?v=y_Twn0rV-rY

Claimed by Viacom International Inc.

Fanny Pak - America's Best Dance Crew - Aug 30th http://www.youtube.com/watch?v=EnMYisp_vaw

Claimed by Viacom International Inc.

_____
Allie Wester

Coordinator, Online Publicity & Promotions
Fanscape, Inc.
http://www.fanscape.com
360 N. La Cienega Blvd., 3rd FL
Los Angeles, CA 90048
T: 323.785.7786 | F: 323.785.7101
AllieW@fanscape.com
AIM: alliewester125

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Rubin Exhibit 66

From: Christy Wise. Sent:9/16/2008 9:24 PM.
To: [-] Pittman, Q; Allie Wester.
Cc: [-] .
Bcc: [-] .
Subject: RE: Copyrighted Content Identified in one of your YouTube videos.

Thanks Q!

- -

Christy Wise

Sr. Director, Partnership Marketing

Fanscape, Inc. - http://fanscape.com/

New Address

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Los Angeles, CA 90048

T: 323.785.7789

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Christyw@fanscape.com

IM: og glitter

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_____

From: Pittman, Q [mailto:Q.Pittman@mtvn.com]
Sent: Tuesday, September 16, 2008 12:48 PM
To: Christy Wise; Allie Wester
Subject: RE: Copyrighted Content Identified in one of your YouTube videos

They have been well aware of the this channel for some time. I will reach out to our legal team to find out what is going on.

_____

From: Christy Wise [mailto:christyw@fanscape.com]
Sent: Tuesday, September 16, 2008 3:47 PM
To: Allie Wester; Pittman, Q
Subject: RE: Copyrighted Content Identified in one of your YouTube videos

Q – Our channel should have been white-listed from Viacom a while ago. Is there any reason why this has changed?

- -

Christy Wise

Sr. Director, Partnership Marketing

Fanscape, Inc. - http://fanscape.com/

New Address

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Los Angeles, CA 90048

T: 323.785.7789

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Christyw@fanscape.com

IM: og glitter

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_____

From: Allie Wester
Sent: Tuesday, September 16, 2008 12:32 PM
To: Pittman, Q
Cc: Christy Wise
Subject: FW: Copyrighted Content Identified in one of your YouTube videos

Hi Q,

I just received this copyright violation from Viacom. It is very old content, but we need to get it cleared up so our channel isn't pulled down again. Is there anyway we can make sure legal doesn't pull down any videos on the fanscapevideos channel?

This is happening quite often now – if you want, I can handle directly with MTV Legal rather than going through you, I just need the contact info.

Thank you!

Allie

_____

Allie Wester
Coordinator, Online Publicity & Promotions
Fanscape, Inc.
http://www.fanscape.com
360 N. La Cienega Blvd., 3rd FL
Los Angeles, CA 90048
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AllieW@fanscape.com
AIM: alliewester125

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_____

From: YouTube [mailto:no_reply@youtube.com]
Sent: Tuesday, September 16, 2008 11:18 AM
To: Allie Wester
Subject: Copyrighted Content Identified in one of your YouTube videos

YouTube - Broadcast Yourself

help center | e-mail options | report spam

Dear fanscapevideos,

Your video "MTV Cribs-50 Cent November 29th at 10:30p.m" has been identified by YouTube's Content Identification program as containing copyrighted content which Viacom claims is theirs.

Your video is no longer available because Viacom has chosen to block it.

Claim Details:

Copyright owner:

Viacom

Content claimed:

Some or all of the audio and visual content

Policy:

Block this content.

Applies to these locations:
Everywhere

Viacom claimed this content as a part of the YouTube Content Identification program. YouTube allows partners to review YouTube videos for content to which they own the rights. Partners may use our automated video / audio matching system to identify their content, or they may manually review videos.

If you believe that this claim was made in error, or that you are otherwise authorized to use the content at issue, you can dispute this claim with Viacom and view other options in the Video ID Matches section of your YouTube account. Please note that YouTube does not mediate copyright disputes between content owners. Learn more about video identification disputes.

Sincerely,
The YouTube Content Identification Team

© 2008 YouTube, LLC

Rubin Exhibit 67

From: Christy Wise. Sent:10/14/2008 5:39 PM.
To: [-] Lori Dicker.
Cc: [-] .
Bcc: [-] .
Subject: FW: Fanscape -- 3 Viacom Copyright Claims on YouTube.

FYI

- -

Christy Wise

Sr. Director, Digital Communications

Fanscape, Inc. - http://fanscape.com/

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Christyw@fanscape.com

IM: og glitter

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_____

From: Pittman, Q [mailto:Q.Pittman@mtvn.com]
Sent: Tuesday, October 14, 2008 9:18 AM
To: Allie Wester
Cc: Christy Wise; Urbont, Ariana; John Eddow
Subject: RE: Fanscape -- 3 Viacom Copyright Claims on YouTube

I'm on it. I'm not sure why this keeps happening because my legal contact says that they are aware of the channel.

_____

From: Allie Wester [mailto:alliew@fanscape.com]
Sent: Tuesday, October 14, 2008 12:16 PM
To: Pittman, Q
Cc: Christy Wise; Urbont, Ariana; John Eddow
Subject: Fanscape -- 3 Viacom Copyright Claims on YouTube
Importance: High

Hi Q,

Viacom has filed copyright claims against three of our videos on the “fanscapevideos” channel. The videos are listed below.

I’ve attached our upload grid. “Audrina and Justin Bobby Look at an Apartment” and “Real World Hollywood –Meet The New Cast” are highlighted in yellow. “Rob and Big- Rob Gets Arrested” is an older upload and therefore is not on the grid.

Can you please talk to MTV legal about this – I don’t want our channel to be pulled.

Thank you!!
Allie

Allie Wester
Coordinator, Digital Communications
Fanscape, Inc.
www.fanscape.com
NEW ADDRESS
360 N. La Cienega Blvd., 3rd FL
Los Angeles, CA 90048
P: 323.785.7786
AllieW@fanscape.com | AIM: alliewester125

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YouTube - Broadcast Yourself

help center | e-mail options | report spam

Dear fanscapevideos,

Your video "Audrina and Justin Bobby Look at an Apartment" has been identified by YouTube's Content Identification program as containing copyrighted content which Viacom claims is theirs.

Your video is no longer available because Viacom has chosen to block it.

Claim Details:

Copyright owner:

Viacom

Content claimed:

Some or all of the audio and visual content

Policy:

Block this content.

Applies to these locations:
Everywhere

Viacom claimed this content as a part of the YouTube Content Identification program. YouTube allows partners to review YouTube videos for content to which they own the rights. Partners may use our automated video / audio matching system to identify their content, or they may manually review videos.

If you believe that this claim was made in error, or that you are otherwise authorized to use the content at issue, you can dispute this claim with Viacom and view other options in the Video ID Matches section of your YouTube account. Please note that YouTube does not mediate copyright disputes between content owners. Learn more about video identification disputes.

Sincerely,
The YouTube Content Identification Team

YouTube - Broadcast Yourself

help center | e-mail options | report spam

Dear fanscapevideos,

Your video "Rob and Big- Rob gets arrested" has been identified by YouTube's Content Identification program as containing copyrighted content which Viacom claims is theirs.

Your video is no longer available because Viacom has chosen to block it.

Claim Details:

Copyright owner:

Viacom

Content claimed:

Some or all of the audio and visual content

Policy:

Block this content.

Applies to these locations:
Everywhere

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If you believe that this claim was made in error, or that you are otherwise authorized to use the content at issue, you can dispute this claim with Viacom and view other options in the Video ID Matches section of your YouTube

account. Please note that YouTube does not mediate copyright disputes between content owners. Learn more about video identification disputes.

Sincerely,
The YouTube Content Identification Team

© 2008

YouTube - Broadcast Yourself

help center | e-mail options | report spam

Dear fanscapevideos,

Your video "Real World Hollywood -Meet the New Cast" has been identified by YouTube's Content Identification program as containing copyrighted content which Viacom claims is theirs.

Your video is no longer available because Viacom has chosen to block it.

Claim Details:

Copyright owner:

Viacom

Content claimed:

Some or all of the audio and visual content

Policy:

Block this content.

Applies to these locations:
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Viacom claimed this content as a part of the YouTube Content Identification program. YouTube allows partners to review YouTube videos for content to which they own the rights. Partners may use our automated video / audio matching system to identify their content, or they may manually review videos.

If you believe that this claim was made in error, or that you are otherwise authorized to use the content at issue, you can dispute this claim with Viacom and view other options in the Video ID Matches section of your YouTube account. Please note that YouTube does not mediate copyright disputes between content owners. Learn more about video identification disputes.

Sincerely,
The YouTube Content Identification Team

YouTube
Broadcast
Yourself ™